

**BEFORE THE OFFICE OF CAMPAIGN FINANCE  
DISTRICT OF COLUMBIA BOARD OF ELECTIONS AND ETHICS  
FRANK D. REEVES MUNICIPAL BUILDING  
2000-14<sup>th</sup> STREET, N.W., SUITE 420  
WASHINGTON, D.C. 20009  
(202) 671-0550**

|                                  |   |                        |
|----------------------------------|---|------------------------|
| IN THE MATTER OF                 | ) | DATE: January 12, 2005 |
|                                  | ) |                        |
| James Buford                     | ) | DOCKET NO.: 04F-014    |
| Director (Former)                | ) |                        |
| Department of Health             | ) |                        |
| 907 – 6 <sup>th</sup> Street, SW | ) |                        |
| Washington, DC 20024             | ) |                        |

**ORDER**

**Statement of the Case**

This matter came before the Office of Campaign Finance (hereinafter OCF) Office of the General Counsel following a determination by its Public Information Records Management Division, that pursuant to D.C. Official Code §1-1106.02 (2001 Edition), James Buford, Director, Department of Health, failed to timely file, a Financial Disclosure Statement for calendar year 2003, on or before May 15, 2004, as required by D.C. Official Code §1-1106.02, and also failed to file on or before the OCF sanctioned extended filing deadline of June 21, 2004.

By Notice of Hearing, Statement of Violations and Order of Appearance dated August 17, 2004, OCF ordered James Buford (hereinafter respondent), to appear at a scheduled hearing on August 25, 2004, and show cause why he should not be found in violation of the D.C. Campaign Finance Reform and Conflict of Interest Act of 1974, as amended by D.C. Official Code §§1-1101.01 et seq., and fined accordingly.

**Summary of Evidence**

OCF alleges that the respondent failed to timely file the statutorily required Financial Disclosure Statement (FDS) for calendar year 2003, on or before June 21, 2004. On August 23, 2004, respondent filed an affidavit with OCF stating that he mailed a notarized copy of the required Financial Disclosure Statement to OCF on June 21, 2004, after receipt of OCF's Notice of Non-Compliance. Respondent stated that he did not retain a copy of the FDS as he did not have access to a copier at the time of mailing. Respondent submitted a copy of a statement from the notary public who notarized the FDS, which confirms the date, June 21, 2004, on which she executed the form. Respondent further stated that OCF's Financial Disclosure Statement was not among the

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forms identified by DCOP for completion during the exit process. OCF received respondent's original FDS on June 23, 2004, followed by a second, fully executed Financial Disclosure Statement on August 23, 2004.

**Findings of Fact**

Having reviewed the allegations and the record herein, I find:

1. Respondent timely filed Financial Disclosure Statements in 2003 and 2002 for calendar years 2002 and 2001 respectively.
2. Respondent separated from the District Government on April 17, 2004.
3. Respondent was required to file a Financial Disclosure Statement with OCF for calendar year 2003, on or before June 21, 2004.
4. Respondent filed the required Financial Disclosure Statement for calendar year 2003 on June 23, 2004 and on August 23, 2004.
5. Respondent has no history of prior filing delinquencies.
6. Respondent is currently in compliance with the statute.

**Conclusions of Law**

Based upon the record provided by OCF, I therefore conclude:

1. Respondent violated D.C. Official Code §1-1106.02.
2. The penalty established at D.C. Official Code §1-1103.05(b)(3), and 3DCMR §§3711.2(aa), 3711.2 and 3711.4 for failure to timely file a Financial Disclosure Statement required by D.C. Official Code §1-1106.02, is a fine of \$50.00 per day for each business day subsequent to the due date.
3. In accordance with D.C. Official Code §1-1103.05(b)(3), the respondent may be fined a maximum of \$50.00 for failing to timely file a Financial Disclosure Statement.
4. For good cause shown pursuant to 3DCMR §3711.6, the Director of Campaign Finance (Director) may modify, rescind, dismiss or suspend any fine.

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5. Respondent's explanation for failing to timely file was insufficient to sustain a finding of good cause; however, his previous record of timely filings with OCF constitutes good cause for suspension of the fine.

**Recommendation**

In view of the foregoing and information included in the record, I hereby recommend that the Director suspend the imposition of the fine in this matter.

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**Date**

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**Jean Scott Diggs  
Hearing Officer**

**Concurrence**

In view of the foregoing, I hereby concur with the Recommendation.

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**Date**

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**Kathy S. Williams  
General Counsel**

**ORDER OF THE DIRECTOR**

**IT IS ORDERED** that the fine in this matter be hereby suspended.

\_\_\_\_\_  
**Date**

\_\_\_\_\_  
**Cecily E. Collier-Montgomery**  
**Director**

**SERVICE OF ORDER**

This is to certify that I have served a true copy of the foregoing Order, by regular mail, on respondent on January 12, 2005.

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**NOTICE**

Pursuant to 3DCMR §3711.5, any fine imposed by the Director shall become effective on the 16<sup>th</sup> day following the issuance of a decision and order, if the respondent does not request an appeal of this matter. If applicable, within 10 days of the effective date of this order, please make a check or money order payable to the D.C. Treasurer, c/o Office of Campaign Finance, Suite 420, 2000-14<sup>th</sup> Street, N.W., Washington, D.C. 20009.